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But Why, Jeane Kirkpatrick, Is It 'Disloyal'?

As a person mentioned in Jeane Kirkpatrick's piece as "one of the American witnesses" who "held top-secret clearance as a contract employee of the CIA as recently as 1983," I wish to respond.

Kirkpatrick declares that Nicaragua's case against the United States displays "some unusual characteristics." This is true. It is an unusual case. The United States has openly committed illegal acts—violations of the U.N. and OAS charters as well as U.S. law. It now seeks to deny Nicaragua legal redress on the grounds—unusual to say the least—that when such illegal acts are carried out under the rubric of "U.S. policy toward Central America" they are somehow transformed into "political questions . . . not appropriate for judicial resolution."

How convenient to change murder, rape, arson, and piracy into "political questions."

She expresses alarm that U.S. citizens should appear before the World Court to cooperate with a foreign government to undermine the legitimacy of existing U.S. government policies . . . in the name of "higher" loyalties that presumably override a citizen's obligation to support decisions made through normal democratic processes.

This is the core of her argument and, precisely, its most false and weakest point. Is the policy legitimate? Is it the policy of the U.S. government (not merely of the president)? And was the decision (to adopt this policy) "made through normal democratic processes"? The answer to these questions is no.

The mining of Nicaragua's harbors, the arming and training of a military force to destabilize and overthrow Nicaragua's government, the authorization of assassination via a training manual that contradicted existing executive orders, the use of officers of the National Security Council in the face of expressed congressional prohibition are all illegitimate acts under both treaty and domestic law. These alleged policies were decided upon and carried out by the executive branch without either congressional authorization or the legally required prior consultation with and notification of congressional oversight committees and, in fact, against the clearly stated will of Congress.

Does Kirkpatrick's definition of "normal democratic process" include a deliberate campaign of lying and misinformation by the current administration over a period of almost five years in an attempt to influence public and congressional opinion in support of these so-called policies—legitimate or not? My definition would not stretch that far.

It does not require any appeal to "higher loyalty" for me to continue to oppose with all lawful means at my disposal a misbegotten foreign adventure of this administration. I have no obligation to support what I oppose nor, absent a declaration of war, to refrain from opposition. At my age, I need no Jeane Kirkpatrick, whose values and opinions I regard as no more valid nor informed than my own, to lecture me on my duty to my country or to choose my enemies for me.

—David C. MacMichael

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